

APPROVED: Meeting No. 12-94

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 08-94

February 28, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 28, 1994, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. Governor Schaefer is seeking funding from the Federal Government for costs incurred during the recent bad weather and adverse conditions. Mr. Romer said that the City, along with other local governments, was cooperating in that effort and Rockville's costs spent during that time just exceeded \$200,000 and included costs for personnel and overtime. Mr. Romer reported that the cost of chemicals and control materials amounted to approximately \$100,000.

2. The City issued another Neighborhood Advisory Notice advising neighbors along the Fleet Street corridor that engineering work had begun on the Fleet Street corridor.

3. Mr. Romer reported that the February 24th Rockville Day in Annapolis was very successful; over 50 elected officials, citizens and members of the City's commercial and

private sector were involved. Over 200 delegates, senators and their aids took part in the opportunity which allowed Rockville to build relationships with the legislators and to stress the need for funding of the downtown project and showcase the City's projects.

Re: Presentation of the Presidential Classroom Program Scholarship.

Upon the recommendation of the Advisory Commission on Public Education, the Mayor and Council awarded Inuki Pantin, a senior from Richard Montgomery High School, with a \$795 scholarship to attend an educational program entitled Presidential Classroom. Miss Pantin's class sponsor, Peg O'Connell, was present and introduced the Pantin family.

Re: Presentation of check to the City of Rockville in the amount of \$35,000 from Rockville Seniors, Inc., to be used for the purchase of tables and chairs for the Carnation Room at the Rockville Senior Center.

Bob Mentzer, Chairman of RSI and members of the Board of Directors presented the Mayor and Council with a check for \$35,000 to purchase furniture for the Senior's Carnation Room. The Seniors thanked the Mayor and Council and also the County Council for the work accomplished towards ownership of the Senior Center.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Walt Plosila, President, Suburban Maryland/Montgomery County High Technology Council, spoke in support of the Mayor and Council's consideration of an Ordinance to grant a property tax credit on machinery, equipment, materials, supplies, and research and development.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Robert Ekman was reappointed to serve on the Advisory Commission on Public Education.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Kenneth Lechter and Eileen Mader were reappointed to serve on the Cultural Arts Commission.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Jane Fry was appointed to serve on the Planning Commission.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Patrick Greaney was reappointed to serve on the Recreation and Park Advisory Board.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, William Rineer was appointed to serve on the Senior Citizens Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Stanley Klein was reappointed to serve on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 03-94 (January 24, 1994) were approved as written.

Councilmember Dorsey requested on page 3, his comments should reflect a question he made at that time, on whether ACPE's focus could be shifted to address the general education needs of the public with less emphasis on the schools. Upon motion by Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 04-94 (January 31, 1994) were approved as amended.

Re: Consent Agenda

Councilmember Weisbroth requested removal of Items B, C, and D.

Councilmember Dorsey requested removal of Item A. Mayor Coyle requested that Item E be removed.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Consent Item F was approved.

F. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1993, through January 31, 1994.

Re: (A) Award of Bid #62-94 for Municipal Mowing to Lancaster Landscapes, Inc. for the low bid amount of \$113,421.48

This contract provides for the mowing requirements of City facilities. Sufficient funds are budgeted in various accounts.

Councilmember Dorsey requested the removal of Item A to implore Rockville businesses to submit competitive bids on City contracts. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Bid #62-94 for municipal mowing services was awarded to Lancaster Landscapes, Inc. for the low bid amount of \$113,421.48.

Re: (B) Award of contract extension for architectural and engineering services for Americans with Disabilities Act transition implementation plan to Mark Mazz, Associates in the amount of \$30,000.

The project calls for the design and engineering specifications and construction plans for the renovation of various City facilities to comply with Americans with Disabilities Act of 1990. Sufficient funds are budgeted for this contract.

Councilmember Weisbroth requested removal of Item B to get a clarification on the services provided by Mr. Mazz.

Recreation Director Burt Hall said the requirements contract had a limit of \$30,000; the City would pay Mr. Mazz on an hour-by-hour basis, according to the rates mentioned in the agenda item, with a limit of \$30,000. Mr. Mazz would design the actual changes called for in the approved transition plan; the first phase of work done completed was to survey the City facilities to identify all of the barriers. The Transition Plan prioritized how the changes would be made and Mr. Hall said the contract was for architecture and engineer design work that was necessary in order to prepare bid specifications and drawings. Staff felt that Mazz's prices were very competitive, primarily because he had already completed much of the background work and not have to start at the beginning. In addition, Mr. Mazz worked as an individual and the City would not have to pay a firm's overhead.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the contract extension for architectural and engineering services for the Americans with Disabilities Act transition implementation plan was awarded to Mark Mazz, Associates in the amount of \$30,000.

Re: (C) Award of Montgomery County Bid #09457 for Gasoline as part of the Metropolitan Council of Governments cooperative purchasing program.

Montgomery County, as the lead jurisdiction for gasoline purchases for COG has awarded the annual cooperative contract to Stuart Petroleum Company for regular unleaded fuel at \$.4893 per gallon.

Councilmember Weisbroth requested removal of this item to question if the City had a program to verify that COG's prices were the most competitive prices. Mr. Romer confirmed that there was a program and in the future, staff would provide better detail about the process undertaken. He explained that the COG cooperative purchasing program was generally run by a committee of purchasing agents that meet from time to time and oversee the entire COG cooperative purchasing program. He said that the City's procurement staff also reviewed the proposed list of bidders on COG contracts, and these were compared to any other known suppliers that offered the same commodity to ensure that anyone interested in bidding had an opportunity to bid on the COG contract. Once bidders were in the arena of bidding on a COG contract, the volumes were substantial enough to generate lower prices; thus the reason for the cooperative purchasing. Mr. Romer said once bids were available, the COG committee scanned of the entire region to verify that the price recommended under the cooperative contract was indeed what everyone was comfortable with recommending.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Montgomery County Bid #09457, for gasoline as part of the Metropolitan Council of Governments cooperative purchasing program, was awarded.

Re: (D) Purchase of five replacement police patrol vehicles from Sheehy Ford, Marlow Heights, for \$69,090 under the Metropolitan Area, COG joint purchase agreement with Prince George's County being the lead jurisdiction.

The budget provided \$75,000 for this purchase.

Councilmember Weisbroth requested the removal of the item to question the number of vehicles (five) that were scheduled for replacement at one time. Mr. Romer explained that this was within the norm for police vehicles; next year the City was scheduled to replace approximately seven vehicles; the numbers for replacements were determined in the annual budget process. Recommendations were made to the Mayor and Council based on a number of factors--a vehicle scheduled for replacement did not mean that staff would make the recommendation that it be budgeted for replacement. Mr. Romer said that the five vehicles were the result of a process where vehicles, according to schedule, might be ready for replacement and evaluated; and then the resulting number was actually budgeted for.

In response to Ms. Weisbroth's question, Mr. Romer said there were approximately 192 vehicles in the City's total fleet with 22 in the police fleet.

Councilmember Krasnow asked if the vehicles currently owned by the City were the same make and model or was the fleet comprised of all different types. Mr. Romer responded the different types of vehicles: Crown Victorias, Chevrolets, and older model Fords. He said the tendency was to go with the best price available that met specifications and that this did not present any problems in terms of maintenance because the City's motor vehicle maintenance operations were equipped to handle most standard vehicles. Mayor Coyle asked if the uniformity of a vehicle type made a difference to public's recognition. Mr. Romer said the City's vehicles tended to be specific to the same vehicle weight which in turn tended to specify the same type of body style; however, he said, it did not appear to make any difference.

Councilmember Marrinan noted that the purchase was part of COG's cooperative purchasing program which did generate a significant savings for the City.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the purchase of five replacement police patrol vehicles from Sheehy Ford, Marlow Heights, for \$69,090 under the Metropolitan Area, COG joint purchase agreement with Prince George's County, was approved.

Re: (E) Introduction of Ordinance to amend Chapter 15, entitled "Personnel," so as to change the name of the "Retirement and Disability Board" to the "Retirement Board," and to delete the Board's responsibilities and authority relating to disability programs and benefits.

The Board has recommended this change to more accurately reflect its current responsibilities.

Mayor Coyle asked if the amendments proposed presented a legal or practical difficulty. Mr. Romer responded that the Ordinance recognized what had been going on for a long time. He noted that Councilmember Marrinan served on the Retirement and Disability Board and he said the Board had never discharged any disability functions; these functions had been handled effectively by the City's Personnel Department which administered all of the City's other benefits. Mr. Romer said the action would bring the Ordinance, City Code and City policies into conformance and eliminate what had been a misleading title for the Board. Assistant City Attorney Block added that the action would also eliminate some confusion; the current impression to those unfamiliar with the Board was that the Retirement and Disability Board exercised some authority, when in fact it did not have the capability to do.



Upon motion of Mayor Coyle, duly seconded and unanimously passed, the Ordinance amending Chapter 15, entitled "Personnel," was introduced.

Re: Introduction and adoption of an Ordinance to grant a property tax credit against the City property tax imposed on machinery, equipment, materials and supplies used in research and development (R&D) as authorized by State law.

Ordinance No. 05-94

Mr. Romer explained that staff had been reviewing the tax credit legislation for some time and while other jurisdictions, particularly Montgomery County, were analyzing and looking at the legislation, staff recommended that the Mayor and Council take a "wait and see" approach. He said that Montgomery County Council's activities had been watched closely and they, along with the City of Gaithersburg had adopted the tax credit legislation. Staff was estimating that there would be an impact of approximately \$26,500 in potentially loss revenues in FY96 and \$53,000 in FY97; although it was difficult to fully estimate the exact amount of items to be purchased or transferred into the County following January 1st. Mr. Romer said that staff was comfortable in recommending that the Mayor and Council adopt the legislation because it fell in with the Mayor and Council's goals to have Rockville presented as an area conducive to do business in and an area that welcomed business that might benefit from this action.

Councilmember Krasnow questioned how the determination was made on a business's claim for a tax credit for research and development. Finance Director, Kevin Deckard responded that the State Department of Assessments and Taxation made the determination by use of a form that a business would complete that specified different tax categories and definitions. He said the process was aimed at medical research and computer technology businesses. Mr. Plosila

added that when the bill was enacted by the legislature, the State's sales and use tax was changed and that the R&D definition used for all tax collection would be the same. He said there was also a double check between the sales and use tax people and the assessment people to ensure that businesses were in fact doing R&D and the documentation which was submitted by those businesses taking the tax credit, was subject to the normal State reviews and audits.

A point of order was raised by Councilmember Dorsey that the Ordinance had not been introduced. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance was introduced, and the Mayor and Council proceeded with discussion. Councilmember Krasnow asked if this was a yearly tax credit. Mr. Plosila said it was a one time credit in the sense that when the R&D item was first purchased, 75% against the item was deducted the first year and 25% would be paid thereafter. Assistant City Attorney Block noted that the Mayor and Council were acting pursuant to enabling legislation that was in fact, voluntary, if it was decided at some future time that the process was not working, the tax credit could be rescinded.

Councilmember Krasnow commented that while the legislation was exciting because it would promote R&D in the Rockville area, it came about in a very difficult year financially. However, she said she would support the Ordinance.

Mayor Coyle commented that the cost of doing research and development was one of the biggest challenges for small businesses. He said the legislation would help keep those small businesses current and on the cutting edge of their technologies.

Councilmember Weisbroth explained that her company might benefit from the tax credit legislation, and she would thus abstain from commenting and voting on the legislation.

Upon motion of Councilmember Dorsey, duly seconded and passed by a 4 to 0 vote, with Councilmember Weisbroth abstaining, the layover period was waived.

Upon motion of Councilmember Krasnow, duly seconded and passed by a 4 to 0 vote, with Councilmember Weisbroth abstaining, the Ordinance granting a property tax credit against the City property tax imposed on machinery, equipment, materials and supplies used in research and development (R&D) as authorized by State law, was adopted. The full text of the Ordinance may be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Approval of 1994-95 Proposed  
Fees for Redgate Golf Course.

Mr. Hall gave a synopsis of the proposed 1994-95 fees for Redgate Golf Course which would allow the facility to continue to meet vital financial and operational goals to generate revenues to cover all operating expenses and contribute to Redgate's Capital Improvement Program fund. Mr. Hall explained that the modest fee increase of \$0.50 per nine holes in all categories would also help to maintain parity with other public golf courses, while providing a fee break to residents; and would continue course maintenance and conditioning at exceptional levels of service. The fee proposal was endorsed by the Golf Course Advisory Committee, Recreation and Park Advisory Board, the City's golf professional and staff.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Fees schedule was approved.

Re: Approval of 1994-95 Proposed  
fees for Rockville Municipal  
Swim Center.

Mr. Hall reported that the proposed fees had been developed to promote continued high participation in the City's swim center activities, particularly by residents, and to meet the

financial goals of covering all operating costs, and generating a large contribution to the payment of debt service costs. The fee adjustments for membership fees was proposed at 2%. There would be no increase proposed for the daily admission fees and the variable increases between 0% and 11% were being proposed for class and program fees. Mr. Hall noted that the Swim Center Advisory Committee and the Recreation and Park Advisory Board had reviewed and endorsed the fee proposals.

The Mayor and Council engaged in an extensive question and answer period regarding family memberships as they compared to similar memberships provided by the County. Also discussed was the discount offered on swim center passes. Swim Center Supervisor, Mark Eldridge responded to the Mayor and Council's questions. Councilmember Krasnow noted that it was evident that through use of the swim center pass, a family could utilize the pool without having to pay the full price of a family membership; she suggested that the pass be advertised to emphasize this. Ms. Krasnow also said the idea of offering a discount on renewals to members who brought in other members worked well, and she suggested that staff might consider offering a slightly larger increase to encourage referrals.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the fees were approved.

Re: Approval of amendments to the City Pension Plan in order to grant a COLA to retirees, redefine the eligibility criteria for employer health insurance subsidies given to early retirees, and enact a number of housekeeping amendments designed to promote clarity.

These amendments are recommended by the Retirement Board.

Councilmember Weisbroth noted the type and length of amendments and questioned whether the changes were more than "housekeeping" type of changes. Mr. Romer explained that staff was comfortable in referring to the amendments as "housekeeping" changes. He emphasized that the provisions in place were actions taken years ago by the Retirement Board and had an effect on the City's retirees. The Board felt the actions should be codified. Mr. Deckard further explained that the amendments would not change any one's benefits; only the form in which the benefits were to be granted.

Councilmember Krasnow suggested that staff look towards bringing other City policies in conformance with gender neutral language. Mayor Coyle noted recent trends to move away from the older retirement annuity plans, towards more thrift and trust-based plans where staff self-managed their own plans. He asked about the overall cost benefit for the City to provide the services. Mr. Deckard explained that the thrift program systems did save the employer money and there was also a benefit to employees who were being empowered to find the size of their own pensions based on their individual financial circumstances.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the amendments to the City's Pension Plan were approved.

Councilmember Marrinan commented that the Board Chairman, Dan Milway, had done an outstanding job in leading the Board.

Re: Adoption of Ordinance to Grant  
Text Amendment Application  
TXT93-0141, Mayor and Council  
of Rockville, Applicant.

Amendments to the Zoning Ordinance to transfer all of the Board of Appeals application processing functions from the City Clerk to the Department of Community Development.

Ordinance No. 06-94

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance granting Text Amendment Application TXT93-0141 was adopted. The full text of the Ordinance may be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Ordinance to Amend Zoning Map - Annexation Petition ANX93-0117, Joseph A. Lynott, Attorney for 649 Joint Venture, Petitioner.

To establish I-1, Service Industrial zoning upon annexation of a 19,406 square foot parcel of land located at the terminus of Mason Drive north of Southlawn Lane.

Ordinance No. 07-94

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance amending Zoning Map Annexation Petition ANX93-0117 was adopted. The full text of the Ordinance may be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Ordinance to Amend Zoning Map - Annexation Petition ANX93-0118, Josef and Malgorzata Pilch, Petitioners.

To establish R-E, Residential Estate zoning upon annexation of a single 1.071 acre residential property located at 9304 Viers Drive.

Ordinance No. 08-94

Mayor Coyle noted that a follow-up issue that resulted from the agenda item was on the City's ability to track properties which were still operating off of septic systems; he said the number of such systems was very small and staff would be addressing initiatives for identifying the locations of those systems.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance was adopted. The full text of the Ordinance may be found in Ordinance Book No. 18.

Re: FYI/Correspondence

1. Mayor Coyle said that he was pleased to see the new pedestrian indicators put in by the State Highway Administration at Hungerford Drive at Manakee and Washington Street at Hungerford Plaza. He said the improvements were requested more than a year ago and should be completed by July 1, 1994.

2. Councilmember Marrinan noted that this was the third year that the City of Rockville had been selected to receive an award designating the Swim Center as a top water fitness program in the State of Maryland.

3. Mayor Coyle acknowledged the correspondence expressing appreciation for Councilmember Dorsey's, Krasnow's, and Marrinan's participation in the College Gardens Elementary School bank branch opening.

Re: New Business

1. Councilmember Krasnow noted that on February 21st, she joined former Councilmember Dickran Hovsepien and Public Information Officer, Don Vandrey, in a meeting with developers from Russia who were interested in Rockville's downtown redevelopment plans.

2. Councilmember Krasnow referenced the Economic Development Council meeting minutes from January which made note discussions about the County's English as a Second Language (ESOL) program. Ms. Krasnow asked if there were other programs that offered English language courses for adults that could be coordinated with the County program.

3. Councilmember Krasnow requested that staff look into the traffic signal at Falls Road and Kersey; she said a potential hazardous situation existed where there seemed to be no left turn lane marked at the location.

4. Councilmember Weisbroth requested that the Advisory Commission on Public Education be asked to review the Presidential Scholarship program and make an assessment on whether such scholarships should be limited to Rockville residents and U.S. citizens.

5. Councilmember Marrinan remarked on the 25th anniversary celebration of the founding of the Fallsmead Community. He said the Fallsmead Association had published an interesting and extensive history on the community, and the publication was available to the public.

Re: Next Meeting

The Mayor and Council will meet in General Session on Monday, March 14, 1994.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:15 p.m., to convene again in General Session at 7:30 p.m. on March 14, 1994, or at the call of the Mayor.